(26)

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.7247 of 2007

PETITIONERS

1 Keshav Prasad Pandey, s/o Girwar Prasad Pandey, aged about 51 years, Assistant Teacher, Govt. BDMS Higher Secondary School, Saragaon, Block-Bamhnidih, District Janjgir Champa(CG)

2 Amee Lal Rathore, s/o Shri Neelkanth Rathore, aged about 52 years, Assistant Teacher, Govt. Higher Primary School Bandhwapara, Saragaon, Block Bamhnidih, District Janjgir Champa(CG)

3. Manharan Lal Dewangan, s/o Shri Mallu Ram Dewangan, aged about 51 years, Assistant Teacher, JDMS, Girls Hr. Sec. School, Saragaon, Block, Bamhnidih, District Janjgir Champa(CG)

Versus

RESPONDENTS

1 State of Chhattisgarh, Through : The Secretary, Department of Education, D.K.S. Bhawan, District- Raipur (C.G.)

2 Director, Public Instruction Chhattisgarh, Govt. Raipur

3 District Education Officer, District Janjgir Champa(CG)

4 Block Education Officer, Block Bamhnidih, District Janjgir Champa(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri A.S.Rajput, counsel for the petitioners.

Shri Satish Gupta, Dy. Government Advocate for the State/ respondents on advance copy.

ORAL ORDER
(07.12.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to

regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A.No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/ Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu & others Vs. State Govt. of Chhattisgarh & another (W.P.(S) No. 813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (Supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

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